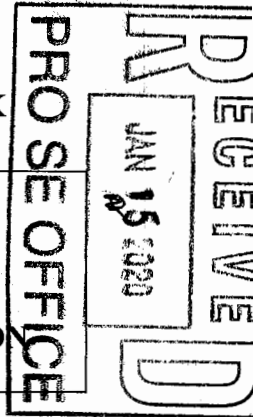


U.S. DISTRICT COURT FOR THE SOUTHERN DISTRICT OF NEW YORK

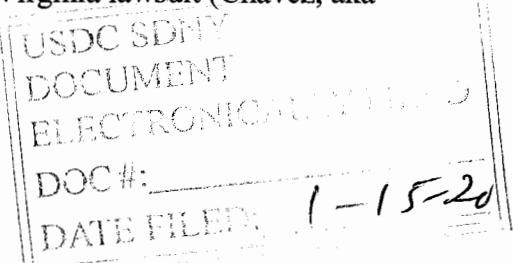
D George Sweigert, <u>Plaintiff</u>	CIVIL CASE #: 1:18-CV-08653-VEC
v.	JUDGE VALERIE E. CAPRONI
Jason Goodman, <u>Defendant</u>	MAGISTRATE STEWART D. AARON



**PLAINTIFF'S LETTER MOTION FOR LEAVE OF COURT TO ADD COUNTS OF
MAIL AND WIRE FRAUD TO ECF DOC. Nos 132 & 133**

MAY IT PLEASE THE COURT:

1. The unfortunate continuous and open-ended tortious conduct of putative defendant Marcus Conte has created a new complexity for this litigation which requires an appropriate SUPPLEMNETAL AMENDED COMPLAINT to address the latest round of childish antics and publicity stunts.
2. On two separate occasions Conte has sent electronic mail messages from his e-mail account (shorthappylife@gmail.com) to the Presiding Judge, Valerie Caproni (9/12/2019 and 12/3/2019). In the second e-mail message, a copy was sent (via cc:) to the Magistrate Judge Aaron D. Stewart. These e-mail messages were followed up with U.S. Mail delivery of the attached PDF document letters. Both message transfers served as the basis for video podcast entertainment for Conte's social media footprint (**publicity stunts**).
3. In his third publicity stunt involving extra-judicial communications, Conte released podcast content January 2, 2020 entitled, "HANGING Out with Defango and Death-blow LETTER for Dopey Dave [links down below]" [**video one**] to entertain his audience with his latest series of publicity stunt communications to the Court. (**see EXHIBIT ONE**). In **video one**, Conte promotes a video where he discusses the latest legal gambit in video content published by Manuel Chavez, III (Carson City, Nevada) entitled, "Live Escape from #Larpkov 1/1/20 - Danger Zone" [**video two**] (**see EXHIBIT TWO**).
4. The Court will recall that the **Defendant Jason Goodman called Manuel Chavez, III** to allegedly concocted Chavez's testimony for the Defendant's Virginia lawsuit (Chavez, aka



DEFANGO, had recorded conversation on a social media livestream in which Goodman was unaware of recording and real-time broadcast).

5. In video content released by “DEFANGO” (Chavez) on January 8, 2020 entitled “Marcus Conte V Defango “Letter Therapy and IRAN warfront” interview #SDNYORG - Illusiveman” [video three] (see **EXHIBIT THREE**), both Chavez and Conte rehash and review the extra-judicial communication that was discussed in video one and two (see **EXHIBIT FOUR**) – see “Request to file Motion to Intervene per F.R.C.P. Rule 24” (**EXH. 4**). The “Letter to Intervene” (**EXH. 4**) has been widely disseminated via these podcast videos and the advertisement of a Google Docs Internet address so that the general public can obtain the undocketed letter.

6. Both Conte/Chavez have previously released video content demonstrating their knowledge that ECF Doc. Nos **132 and 133** had already been docketed, seeking to add Conte as a co-defendant, making the **EXH. 4** “Letter to Intervene” superfluous, unfounded and unnecessary.

7. All three (3) of these extra-judicial communications from Conte to the Court are improper, unauthorized and submitted for a purpose other than stated. There appears to be no logical outcome or legal relief that could be obtained by Conte with these extra-judicial communications – other than to deny the Plaintiff the “honest services” of this Court. These extra-judicial communications seek to deny the Plaintiff of the “honest services” of the judicial officers assigned to this case. These unauthorized communications create a cloud of potential awkward conflicts of interest for these judicial officers (e.g. improper exposure to unvetted “evidence”).

8. These three artifacts are nothing more than instances of mail and wire fraud as defined in *U.S. v. Eisen*, 974 F.2d 246 (2d Cir. 1992), “[l]itigants depend on the integrity of the conduct of participants in civil proceedings though disputing the validity of their opponents' claims to impose or resist civil liability.” See also, *Mayfield v. Asta Funding, Inc.*, 14-CV-2591 (S.D.N.Y. Mar. 30, 2015),

9. Therefore, the Plaintiff seeks **LEAVE OF THE COURT** to create an appropriate **SUPPLEMENTAL AMENDED COMPLAINT** to sufficiently pled **ADDITIONAL** allegations of wire and mail fraud pursuant to civil racketeering (RICO) violations (*Sedima, S.P.R.L. v. Imrex Co., Inc.* 473 U.S. 479, 496 (1985)). Conte has committed at least two acts of racketeering activity to establish a “pattern”. 18 U.S.C. § 1961(5). The Plaintiff should be

allowed to amend and/or supplement the draft complaint against Conte (see **ECF Doc. No.s 132 and 133**) to include these mail and wire fraud (civil RICO) allegations.

10. The Second Circuit and courts in this district have allowed RICO claims to proceed where the alleged predicate acts involved litigation activities. *United States v. Eisen*, 974 F.2d 246, 253-54 (2d Cir. 1992) and *Sykes v. Mel Harris & Associates, LLC*, 757 F.Supp. 2d 413, 425 (S.D.N.Y.). Recently the Second Circuit acknowledged that the very predicate acts alleged here – filing false affidavits with the Court (see “the Plaintiff and his business partner Thomas Schoenberger” [EXH. 4])—were “false or fraudulent ... representations” providing “independent bases for liability” under RICO. *Sykes v. Mel S. Harris & Associates, LLC*, No. 13-2742-CV, 2015 WL 525904 at *13 (2d Cir. Feb. 10, 2015).

11. Given these precedents, the Court should approve the Plaintiff’s request for **AFFIRMATIVE RELIEF** and allow the Plaintiff thirty (30) days to make appropriate changes to the operative complaint and refile as appropriate.

I hereby certify that the attached pleadings are truthful and accurate (to the best of my knowledge) and are not submitted for the purposes of oppression of the Defendant. Signed this 9th day of January 2020

**D. G. SWEIGERT, C/O
GENERAL DELIVERY
ROUGH AND READY, CA 95975
Spoliation-notice@mailbox.org**

D. S. J.

1.9.20

**D. G. SWEIGERT, C/O
GENERAL DELIVERY
ROUGH AND READY, CA 95975
Spoliation-notice@mailbox.org**

**U.S. DISTRICT COURT FOR THE SOUTHERN DISTRICT OF NEW YORK
(FOLEY SQUARE)**

D George Sweigert

Plaintiff

v.

Jason Goodman

Defendant

CIVIL CASE #: 1:18-CV-08653-VEC

JUDGE VALERIE E. CAPRONI

MAGISTRATE STEWART D. AARON

CERTIFICATE OF SERVICE

**I HEREBY ATTEST that a true copy of the attached pleadings has been sent to the
following addressees on the 9th day of January 2020.**

**Jason Goodman, CEO
Multi-media Design Systems, Inc.
252 7th Avenue, Apart. #6S
New York, NY 10001**

**Clerk of the Court, Room 200
U.S. District Court
500 Pearl Street
New York, New York 10007-1312**


D. GEORGE SWEIGERT

1.9.20

U.S. DISTRICT COURT FOR THE SOUTHERN DISTRICT OF NEW YORK

D George Sweigert, Plaintiff
v.
Jason Goodman, Defendant

CIVIL CASE #: 1:18-CV-08653-VEC
JUDGE VALERIE E. CAPRONI

EXHIBITS

TO ACCOMPANY

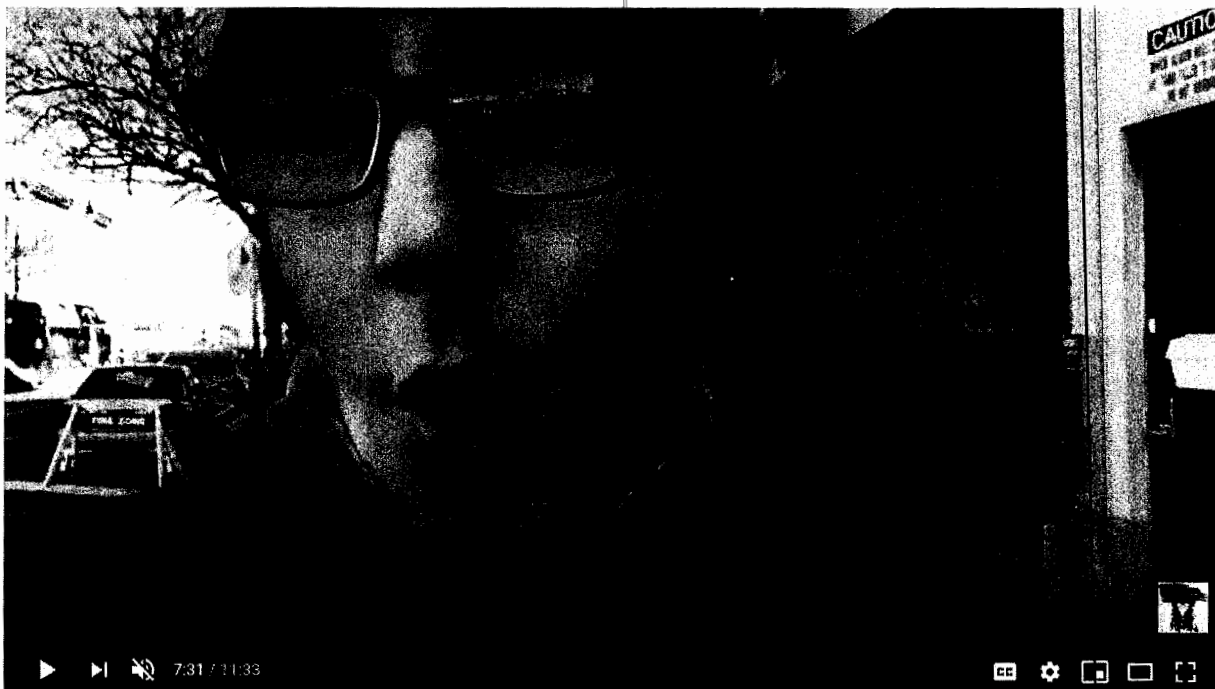
PLAINTIFF'S LETTER MOTION FOR LEAVE OF COURT TO ADD COUNTS OF
MAIL AND WIRE FRAUD TO ECF DOC. Nos 132 & 133

I hereby certify that the attached pleadings are truthful and accurate (to the best of my knowledge) and are not submitted for the purposes of oppression of the Defendant. Signed this 9th day of January 2020

D. G. SWEIGERT, C/O
GENERAL DELIVERY
ROUGH AND READY, CA 95975
Spoliation-notice@mailbox.org

D. G. Sweigert
1.9.20

EXHIBIT ONE



HANGING Out with Defango and Death-blow LETTER for Dopey Dave [links down below]

608 views · Jan 2, 2020

38 21 SHARE SAVE ...



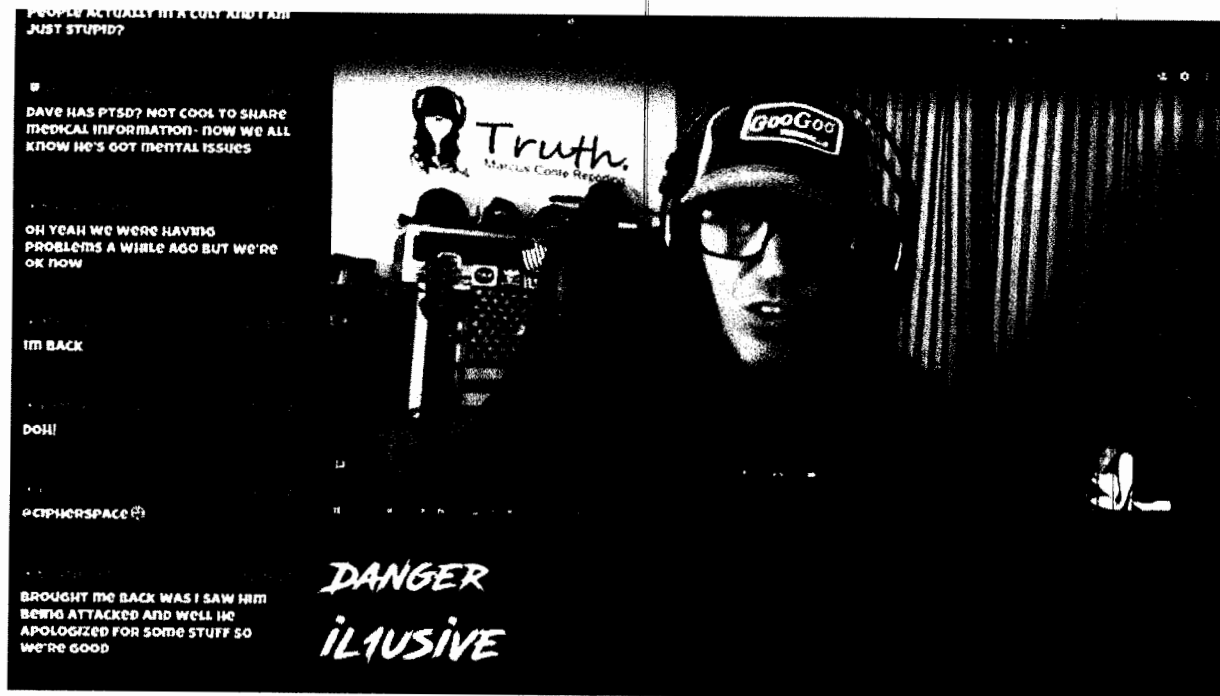
Marcus Conte
6.97K subscribers

SUBSCRIBED

Internet URL: <https://www.youtube.com/watch?v=M9r6s15rrbU&t=558s>

I-LUV-SDNY Marcus Conte LETTER MOTION to INTERVENE 118-cv-08653-VEC-SDA, SWEIGERT v. GOODMAN <https://drive.google.com/open?id=1kSK...> Live with Defango: <https://youtu.be/TilwhuaoZJg?t=33m38s>

EXHIBIT TWO



Live Escape from #LarpKov 1/1/20 - Danger Zone

1,054 views • Streamed live on Jan 1, 2020

68 18 SHARE SAVE ...



DANGER ZONE
3.58K subscribers

JOIN

SUBSCRIBE

Internet URL: <https://www.youtube.com/watch?v=TllwhuaoZJg>

Its time for the Escape from LarpKov and we gotta see how they are going to take it. We got a special guest - Marcus conte and some updates with Densie!

EXHIBIT THREE



Marcus Conte V Defango "Letter Therapy and IRAN warfront" interview #SDNYORG - il1usiveman

1,060 views · Streamed live 20 hours ago

78 29 SHARE SAVE ...



il1usiveman
20.5K subscribers

SUBSCRIBED

Today we have Marcus Conte with his own version of letter Therapy and for comments on the big interview yesterday with Truth Convoy. Dave Acton was a targeted by these people and also made a ton of videos about them. Conte has submitted an archive of all of dave's videos on him to the

SHOW MORE

Internet URL: <https://www.youtube.com/watch?v=8CdS5QhaP6w&t=4s>

Today we have Marcus Conte with his own version of letter Therapy and for comments on the big interview yesterday with Truth Convoy. Dave Acton was a targeted by these people and also made a ton of videos about them. Conte has submitted an archive of all of dave's videos on him to the court in google drive form since he's been interjected into the suit. We will get his understand of the current LARPPWAR then move into the problems in IRAN. We have people putting up a warfront on each side of the table.

EXHIBIT FOUR

Marcus Conte
199 Gelston Avenue, D1
Brooklyn, NY 11209
shorthappy@gmail.com

Thursday, January 2, 2020

PRO SE DIVISION, ROOM 200 U.S. (Sent via USPS & email)
District Court Southern District of New York (Foley Square)
500 Pearl Street
New York, N.Y. 10007-1312
Aaron_NYSDChambers@nysd.uscourts.gov CaproniNYSDChambers@nysd.uscourts.gov

LETTER MOTION TO MAGISTRATE JUDGE STEWART D. AARON
CASE #: 1:18-cv-08653-VEC-SDA, SWEIGERT v. GOODMAN

SUBJECT: Request to file Motion to Intervene per F.R.C.P. Rule 24

MAY IT PLEASE THE COURT:

A. My name is Marcus Conte, a YouTube reporter and pro se non-party to this lawsuit that seeks the leave of the court to proceed with a formal motion to intervene with a complaint of intervention. This is a request to become an intervenor-plaintiff against the plaintiff in this lawsuit, by the Court's leave.

B. My claims of injuries against the Plaintiff and his business partner Thomas Schoenberger of California (felony stalker) are nearly identical to those contained in the present Second Amended Complaint (ECF DOC. 88). Plaintiff Sweigert and Schoenberger are 2 notorious YouTube 'stalkers.' Harassment, Slander, Libel & defamation is proven in their own words via the following 126 unique evidence videos targeted at me specifically by name. Both parties develop and publish on YouTube trauma based video content to torment others & myself.

Plaintiff D. George Sweigert (103 unique defamation videos)
<https://drive.google.com/drive/folders/1Qerp9-LGCrsgHKilvi4TMTKF28cuwQF9>

Thomas Schoenberger (26 unique defamation videos)
<https://drive.google.com/open?id=1YfsQULmA-ebCDe31--FJsk64LpEwZG22>

Here are a few of the frivolous and defamatory statements made about me. "I am a: pedophile, stalker, Satanist, white supremacist, predicate felon, gang leader, hoax bomber, conspirator to commit fraud on a federal court, obstructor of justice, fake psychic, fake teeth, fake hair, fake glasses, malicious prosecutor, slanderer, harasser, libeler, defamer, FBI snitch, CIA cutout, deep state stooge."

C. I certify under the penalties of perjury that this request is not intended to prolong these proceedings and is true and sound.

Sincerely,
Marcus Conte